

PROJUSTICE

USAID/PROMOTING AND STRENGTHENING JUSTICE IN THE DEMOCRATIC REPUBLIC OF CONGO PROJECT

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**6, Avenue de la Mission
Kinshasa, DRC**

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ACRONYMS

AFEMAC	<i>Association des Femmes Magistrates Congolaises</i> Congolese Women Magistrates Association
CEPROSOC	<i>Centre pour la Promotion Sociale et Communautaire</i> Center for Social and Community Advancement
CFMUDEMA	<i>Collectif des Femmes Musulmanes pour le Développement de Maniema</i> Action Group of Muslim Women for the Development of Maniema
COP	Chief of Party
CPD	<i>Chambre Provinciale de Discipline</i> Provincial Disciplinary Board
CSM	<i>Conseil Supérieur de la Magistrature</i> High Judicial Council
CSM-PS	CSM Permanent Secretariat
CSO	Civil Society Organization
DRC	Democratic Republic of Congo
EFRPJ	<i>École de Formation et de Recyclage du Personnel Judiciaire</i> School for the Training and Redeployment of Judicial Staff
FOMEKA	<i>Fondation Monseigneur Emmanuel Kataliko</i> Monsignor Emmanuel Kataliko Foundation
HBM	<i>Haki Za Binadamu</i> Space for Human Rights
IDL	<i>Institut pour la Démocratie et le Leadership Politique</i> Institute for Democracy and Political Leadership
LDFC	<i>Ligue pour le Droit de la Femme Congolaise</i> Congolese Women's Rights League
M&E	Monitoring & Evaluation
MGFC	Ministry of Gender, Family, and Children
MOB	Ministry of Budget
MOJHR	Ministry of Justice and Human Rights
NGO	Non-Governmental Organization
OCET	<i>Œuvre Communautaire pour l'Education pour Tous</i> Community Action for Education for All
PCC	Pilot Court Coordinator
PROSADEF	<i>Promotion de la Santé, des Droits de la Femme et de l'Enfant</i> Promotion of Health, Women's, and Children's Rights
RD	<i>Rôle Disciplinaire</i> Disciplinary Case
RFA	Request for Approval
TGI	<i>Tribunal de Grande Instance</i> First Instance Court
UCB	<i>Université Catholique de Bukavu</i> Bukavu Catholic University
USAID	United States Agency for International Development
VISO	<i>Vision Sociale</i> Social Vision

EXECUTIVE SUMMARY

COMPONENT 1

- From March 27-29, 2013, the project held a seminar in Kinshasa on increasing the participation of women in the magistracy. Forty-seven participants (36 women, 11 men) attended the seminar.
- The project supported two hearings of the provincial disciplinary boards, in Bandundu Province and Katanga Province (Lubumbashi).
- The Judicial Code is completed. Format changes to the draft document have reduced its size and number of pages; the final count is 1,296 pages. The document is being printed as of this writing. ProJustice will present it during the General Assembly of the CSM (*Conseil Supérieur de la Magistrature*, High Judicial Council) on April 24, 2013.

COMPONENT 2

- ProJustice donated 200 law books to the Law Faculty of the University of Kindu, Maniema. ProJustice, in collaboration with the Kindu Law Faculty, made the donation at a formal ceremony on Thursday, February 14, 2013.
- In support of the Rcole de Formation et de Recyclage du Personnel Judiciaire (School for the Training and Redeployment of Judicial Staff, EFRPJ), ProJustice trained 46 clerks (27 men, 19 women) during two training sessions in Bandundu and Lubumbashi.
- Using the 2013 judiciary budget and new information from the CSM, ProJustice supported development of the 2014 judiciary budget, which reflects significant increase from the 2013 budget.

COMPONENT 3

- During the reporting period, the project audited 110 case files in each of the pilot sites. In general, it appears that court staff have mastered the filing system.
- During this quarter, the project carried out 97 inspections in 68 detention centers in the 4 pilot sites. In total, the project identified 593 people (503 men, 39 women, 49 boys, 1 girl, 1 elderly person), reflecting 626 offenses.
- The project helped process 330 cases at mobile court hearings at the central prisons and helped close 51 cases in the 4 pilot sites.

COMPONENT 4

- During his visit to Bukavu on March 16, 2013, the Chief of Party (COP) officially presented the Guide to Organization and Operation of a Legal Clinic and formally delivered copies to the judicial authorities and other international partners based in South Kivu.
- From February 14-16, 2013, the project organized two days of public awareness events and one open house day in Bandundu. Components 2 and 3 Coordinator, Fabien Buetusiwa, and Component 4 Coordinator, Lyliane Ankwarpen, supervised the events.
- The grants team conducted two monitoring missions, in Bukavu and Bandundu City, to evaluate the activities of the grantees as they reached the end of their projects.

WINDOWS OF OPPORTUNITY

In February 2013, ProJustice received USAID approval after submission of a Request for Approval (RFA) earlier in the quarter to spend a total of \$33,130 out of the remaining budget of \$40,928 funds under Windows of Opportunity.

QUARTER 18—ACTIVITIES AND RESULTS

1.1. COMPONENT 1: SUPPORT THE ESTABLISHMENT OF NEW JUDICIAL INSTITUTIONS

1.1.1. Component 1A: Establish Transparent Procedures for the Recruitment, Selection, Discipline, and Promotion of Magistrates

Transparent, Merit-Based Criteria for the Recruitment, Selection, Discipline, and Promotion of Magistrates Adopted and Implemented by the CSM

Participation of Women in the Magistracy

Despite treaties, resolutions, international conventions, and constitutional and statutory provisions advancing the status of women, female magistrates are underrepresented in the CSM and the judiciary in the Democratic Republic of the Congo (DRC). Only 4 of the 133 members (3 percent) of the CSM are women, and none of the members of the CSM Permanent Secretariat (CSM-PS) are women. Only 2 of 26 members (7.6 percent) of the Supreme Court are women. Of the 215 courts and prosecutors' offices of the DRC, women head only 5 (2.3 percent). No women serve at the High Military Court or in the Office of the Prosecutor General of the Armed Forces of the DRC.

One of ProJustice's primary tasks is to establish transparent mechanisms for recruitment and promotion of magistrates that engage and motivate more competent magistrates and improve the justice system overall. An important part of this effort is to increase female representation.

From March 27-29, 2013, the project held a seminar in Kinshasa on increasing the participation of women in the magistracy; forty-seven persons (36 women, 11 men) attended. In preparation for the seminar, the project printed 400 copies of the initial report on the involvement of women in the judiciary.¹ The project distributed the document to all workshop attendees and to the members of the *Association des Femmes Magistrats Congolaises* (Congolese Women's Magistrates Association, AFEMAC).

At the opening ceremony, USAID Democracy and Governance Officer, Theodore Glenn, emphasized the role of women in different sectors as well as the importance of training for female magistrates. A representative from the Ministry of Gender, Family, and Children (MGFC) highlighted the importance of this activity and stressed the minister's view that the training of female magistrates is one of the MGFC's main concerns.

Following these speeches, the President of the CSM gave opening remarks, and welcomed the holding of this seminar as part of the CSM roadmap for 2013. He expressed the ongoing appreciation for the work of USAID/ProJustice in the support of women magistrates. He urged the participants to exchange ideas freely on issues relating to recruitment, representation in leadership positions, promotions, and skill sets.

¹ The initial report on the involvement of women on the judiciary was developed from a ProJustice-funded workshop on the same topic organized in November 2011.

During the working sessions, the attendees attended several presentations:

- Recruitment and promotion of magistrates
- Respect of CSM resolutions
- The role of unions in the judiciary
- Evaluation of recommendations made at AFEMAC's November 2011 workshop
- Advocacy for the representation of women in the higher courts.

These presentations were followed by group work on the following subjects:

- Strategies to support the development of women magistrates
- Plans and advocacy strategies for the representation of women in higher courts
- Action by unions to improve the careers of judges and magistrates
- Proposals to strengthen the management authority of the CSM.

Among their recommendations, the participants highlighted the following:

- Providing sufficient funds to the CSM to ensure its effectiveness and relevance
- Prioritizing the representation of female magistrates in new and existing high-level structures, including the Constitutional Court, Supreme Court, and State Council
- Promoting the greater representation of female magistrates at the General Assembly
- Encouraging female magistrates to combat all forms of discrimination
- Codifying the need for gender parity in the law.

The President of CSM closed the seminar. He offered high praise for ProJustice, saying that the project's activities have been "a breath of life for the CSM" and that the CSM's work would be impossible without USAID's support.

Technical Assistance to CSM Disciplinary Boards

The majority of magistrates in the DRC have limited knowledge of laws that provide for disciplinary proceedings against magistrates who are in violation of their code of ethics. Despite a national legal system, there is no consistent enforcement of disciplinary rules. The disciplinary boards, an organ of the CSM meant to adjudicate alleged breaches of ethics and professional conduct codes, often inconsistently interpret how the laws should be enforced. Similarly, the internal regulations of the CSM provide that disciplinary boards should each be granted \$10,000 annually to cover their operating costs, but the Congolese Government has never allocated money to these bodies. In addition to the lack of state funding, heads of jurisdictions and offices (presidents of the courts and public prosecutors) generally ignore disciplinary procedures. To help overcome these deficiencies, and to promote a more functional and ethical magistracy, ProJustice has been providing technical and financial assistance to disciplinary boards in each of the four pilot sites.

During this quarter, the project supported two hearings of the provincial disciplinary boards, in Bandundu Province and Katanga Province (Lubumbashi). The Bandundu Provincial Disciplinary Board heard five cases from February 21-25, 2013. The Katanga Provincial Disciplinary Board heard 11 cases from March 11-15, 2013. In addition, the project received a decision of the National Disciplinary Board hearing in January that was supported by ProJustice in October 2012, and five decisions of the South Kivu Provincial Disciplinary Board (Bukavu) after hearings in December 2012.

Bandundu Disciplinary Board

1. ***Rôle Disciplinaire* (Disciplinary Case, RD)-021/CPD/2012: CSM and a complainant vs. Auditor of the Kikwit garrison**

Breaches of Discipline: The magistrate was suspected of arbitrary detention of the complainant.

Decision of the Provincial Disciplinary Board: The magistrate was sentenced and fined one third of his salary for one month.

2. **RD 2012-CPD-012: CSM and a complainant vs. the President of the Court of Masimanimba.**

Breaches of Discipline:

- The magistrate instructed on a case of sexual violence and abortion without registering the case with a valid RMP (Role Ministere Public, Prosecutor's enrollment list) number;
- The magistrate showed negligence in failing to request a doctor to substantiate the allegations of rape and the state of health of the victim, who subsequently underwent an abortion;
- The magistrate failed, as an officer of the Public Prosecution Office, to make a written report to his supervisor, the prosecutor of the Republic of Bulungu, in regards to the alleged escape of the defendant. He also failed to forward the case to the Prosecution Office of Bulungu for disposition;
- The magistrate subsequently released the defendant and forged documents to cover up the escape.

Decision of the Provincial Disciplinary Board: The magistrate was suspended for three months without salary.

3. **RD 2012-CPD-008: CSM and a complainant vs. the First Assistant Republic Prosecutor of Bandundu**

Breaches of Discipline: The magistrate allegedly refused to pass the property census form to the Prosecutor General of Bandundu and gave the form to the owner instead.

Decision of the Provincial Disciplinary Board: The magistrate was suspended for one month without salary.

4. **RD 2012-CPD-019: CSM and a complainant vs. an Assistant Republic Prosecutor of Inongo**

Breaches of Discipline: The magistrate allegedly used funds from fines for his own personal expenses.

Decision of the Provincial Disciplinary Board: The magistrate received a written notice.

5. **RD 2012-CPD-017: CSM and a complainant vs. a magistrate of secondary Prosecution Office of Mushi**

Breaches of Discipline: The magistrate allegedly carried out the arbitrary arrest of the territorial Chief of Human Rights of Mushi, confiscating all records of service.

Decision of the Provincial Disciplinary Board: No decision has yet been made.

Katanga Provincial Disciplinary Board

1. **RD 2012-CPD-018: CSM vs. a State Prosecutor of Likasi**

Breaches of Discipline:

- The prosecutor was absent from his office for several hours without authorization.

- He impounded a minibus containing copper products without a report recording its contents.
- The prosecutor impounded the vehicle in a police station without informing his superiors.

Decision of the Board: The prosecutor received a written warning.

2. **RD 019/CPD/2012: CSM vs. a State Prosecutor of Likasi**

Breaches of Discipline:

- The prosecutor seized 400 cans of an alcoholic beverage known as “Lutuku 500” without informing his superiors.
- He then returned the 400 cans to their owner without establishing a report of restitution and without informing his superiors.

Decision of the Board: The magistrate received a written warning.

3. **RD 020/CPD/2012: CSM vs. a Judge of the Lubumbashi Commercial Court**

Breaches of Discipline:

- The magistrate allegedly refused to sign and receive the initial summons of the disciplinary board addressed to him.
- He allegedly refused to sign the order to cancel the hearing.

Decision of the Board: The magistrate was acquitted.



4. **RD 21/CPD/2012: CSM vs. a State Prosecutor**

Breaches of Discipline: The prosecutor had an affair with a married woman. He also repeatedly had sexual intercourse with the wife of an accused held in custody when she attempted to seek bail for her spouse.

Decision of the Board: The prosecutor was recommended for dismissal.

A magistrate speaks at hearings of the Katanga Provincial Disciplinary Board, Lubumbashi, March 2013

5. **RD 22/CPD/2012: CSM vs. a Judge of the TGI of Lubumbashi**

Breaches of Discipline: The magistrate delivered 25 judgments outside a public courtroom of the TGI of Lubumbashi, simply repeating the names of the prosecutor and a clerk involved in each case to attempt to obtain the required signatures on the case files.

Decision of the Board: The magistrate was fined one-third of his monthly salary.

6. **RD 23/CPD/2012: CSM vs. Substitute Military Auditor of Kambove Garrison**

Breaches of Discipline: The auditor (military magistrate) allegedly stole 225 kg of minerals from a Gécamines² claim, with the help of a police officer and a military deserter.

Decision of the Board: No decision has yet been made.

7. **RD 24/CPD/2012: CSM vs. Judge of the Lubumbashi Court of Appeals**

Breaches of Discipline: As a member of a panel, the magistrate allegedly kept a case file ready to be delivered for more than a year without the knowledge of the other two panel members.

Decision of the Board: No decision has yet been made.

² La Générale des Carrières et des Mines, DRC state-owned mining company.

8. RD 25/CPD/2012: CSM vs. a Judge of the Lubumbashi Commercial Court**Breaches of Discipline:**

- The magistrate allegedly issued a court order late.
- The magistrate allegedly attempted to force a clerk to transmit the case file when the pleadings of the defendants had not yet been filed, and the clerk had not yet finalized the minutes of the hearing.

Decision of the Board: No decision has yet been made.

9. RD 26/CPD/2012: CSM vs. a State Prosecutor of Kasumbalesa**Breaches of Discipline:**

- The prosecutor consumed an excessive amount of alcohol in public.
- He allegedly committed lewd conduct with an unwilling female Justice of the Peace.
- He allegedly assaulted the Justice of the Peace, holding her by the neck and clothes.
- He allegedly destroyed her mobile phone.
- He allegedly insulted her with racial epithets.
- He allegedly prepared to physically attack the Justice by removing his coat before being restrained.

Decision of the Board: The prosecutor was recommended for dismissal.

10. RD 27/CPD/2012: CSM vs. a State Prosecutor of Likasi**Breaches of Discipline:**

- The prosecutor allegedly seized a van without license plates containing mineral substances without establishing a report. He then consigned the vehicle to a security company without informing his superiors.
- He allegedly instructed the security company to keep the vehicle and wait for further instructions.

Decision of the Board: The magistrate was acquitted.

11. RD 028/CPD/2012: CSM vs. a President of the Military Court of Katanga

Breach of Discipline: As President of the Military Court of North Kivu, the magistrate showed a lack of professional competence in the handling of cases, misapplying the principle of legality of sentences and offenses without consulting his unit commander.

Decision of the Board: The magistrate received a written warning.

National Disciplinary Board**1. RD 016/CPD/2012: CSM vs. an Auditor (Military Prosecutor) of the Bandundu Garrison****Breaches of Discipline:**

- Abuse of power
 - The magistrate allegedly stole eight cows from the farm of one of the complainants.
 - The magistrate allegedly arrested and detained two other complainants in June 2012 for protesting against the slaughter of cows taken from the complainants' parents' farms.
- Torture
 - The magistrate allegedly forcibly bound one of the complainants to a cow with handcuffs and a rope and left him in this state for a week.
 - The magistrate allegedly interrogated the complainant while kicking him, striking him with a rifle butt, and threatening him.

- The magistrate allegedly threatened to kill the complainant if he did not agree to the magistrate's version of the facts in the case and did not sign an affidavit to this effect.
- Malicious destruction
 - The magistrate allegedly slaughtered cows from Kongolo farm.
 - He allegedly caused the death of calves by shooting their mothers.
 - He allegedly destroyed two farms.
- Extortion
 - The magistrate allegedly stole eight cows from the farm of one of the complainants after holding everyone on the farm prisoner.
 - The magistrate allegedly brought a 12-gauge shotgun into the house of one of the complainants.
 - He allegedly forced a complainant to sign an affidavit whose facts had been obtained via torture.
- Misappropriation of seized property
 - The magistrate allegedly shot the cows taken from the two farms.
- Escape of prisoners
 - The magistrate allegedly helped a suspected thief escape from prison, whom he used to facilitate the commission of the aforementioned offenses.

Decision of the Provincial Disciplinary Board: As outlined in our August 2012 monthly report, the Bandundu Provincial Disciplinary Board heard this case in August 2012. The board recommended dismissal of the magistrate, pending approval of the President of the Republic. Not satisfied with that decision, the magistrate filed an appeal with the National Disciplinary Board.

Decision of the National Disciplinary Board: The board cancelled the decision by the Bandundu provincial disciplinary board, saying that the composition of the board was irregular and did not respect the principle of diversity on a specified hearing panel, because the Bandundu Provincial Disciplinary Board was chaired by a civil magistrate.

Bukavu Provincial Disciplinary Board

1. CSM RD 022 vs. A Magistrate of the TGI of Bukavu

Breach of Discipline: After seizing the property of a defendant, the magistrate allegedly recorded a decision to return certain items as an informal order instead of as an official judgment. As an order requires only a single signature, whereas a judgment requires signatures of all members of the tribunal, the magistrate is suspected of having accepted a payoff in exchange for the order.

Decision of the Board: The magistrate was suspended for three months without pay.

2. CSM RD 021 vs. a Magistrate of the Bukavu TGI

Breach of Discipline: The magistrate allegedly traveled to Kinshasa without the permission of her superiors.

Decision of the Board: The magistrate was suspended for one month and fined one-third of her monthly salary.

3. CSM RD 025 and 10 Complainants vs. the Chief of the Kavumu Secondary Prosecution

Breach of Discipline: The magistrate allegedly carried out arbitrary arrests.

Decision of the Board: The magistrate was suspended for three months without pay.

4. CSM RD 026 vs. a Deputy Prosecutor of the Republic, Bukavu

Breach of Discipline: The magistrate allegedly carried out arbitrary arrests.

Decision of the Board: The magistrate was acquitted.

5. CSM RD 027 vs. a Deputy Prosecutor of the Republic, Bukavu

Breach of Discipline: The magistrate reportedly received a large sum of money to release a defendant, contradicting the instructions of his superiors.

Decision of the Board: The magistrate was acquitted.

Coordination Meeting CSM-ProJustice

On February 11, 2013, ProJustice held a coordination meeting with the CSM-PS. Seven points were discussed:

- Technical and financial support to disciplinary boards
- Preparation of the Congolese Judicial Code
- Preparation of seminars on capacity building of female magistrates
- Disciplinary board case review
- Communications plan
- Budget
- Miscellaneous

From the outset, the project noted weaknesses in the scheduling of disciplinary boards, as some boards scheduled hearings but did not hold sessions. This can be disruptive for the project due to the need to implement other activities. The CSM-PS has promised to remedy this situation by having all schedules for the disciplinary boards pass through his office.

The project also discussed the Congolese Judicial Code, and reviewed the progress of the document. The CSM-PS was very happy with this initiative, and expressed his interest to see the Code as soon as possible.

ProJustice highlighted the need to strengthen the capacity of female magistrates through the seminar in March. The CSM-PS stated that the initiative is good, but that it is important for ProJustice to focus not only on a single organization or union, such as AFEMAC, but also other associations.

Regarding the Disciplinary Board case review, the panel requested that the CSM-PS provide the details of all decisions made by various disciplinary boards in provinces where ProJustice does not implement activities, including those supported by the United Nations Development Programme in partnership with ProJustice.

Finally, the CSM-PS was informed that the project is planning training sessions by the expert on strategic and financial planning in ProJustice pilot sites and Kinshasa (see **Attachment 1 for a complete report on the Coordination meeting**).

1.1.2. Component 1B: Establish Transparent Organizational Procedures for New Judicial Institutions

New Internal Procedures and Organizational Structure of Judicial Council Adopted and Implemented

Develop and Implement a Communication and Public Awareness Plan for the CSM

On March 8, 2013, the ProJustice COP and technical staff met with the President of the CSM for a second working session on communication strategies. The President of the CSM expressed

greater interest than before in the draft communications plan after he heard the summary presentation of the plan by the communications expert. The points discussed during the meeting included the following:

- The communications consultant shared suggested logos for the CSM. The President of the CSM asked if the logos were inspired by an international design or were original. The consultant explained that these logos were designed specifically for the CSM.
- Regarding communication strategies, the consultant noted that the CSM does not communicate frequently or effectively, either internally and externally. The President of the CSM responded that the Code of Ethics justifies the low level of communications as it calls on magistrates to be reserved. The consultant clarified that it is normal and logical that secret information is not disclosed but that information on the operations of the CSM, for example, must be provided to avoid rumors.
- The consultant suggested that the first presidents of the courts take a more active role in communications and participate in additional management training.

After these exchanges, the President of the CSM requested that these communication strategies be implemented. He stated that with older staff members, who often resist new strategies, it can be a challenge to implement new ideas, and stressed the need for new and younger personnel, who are more open to change. Despite these challenges, the President of the CSM promised to reserve a place for these communication strategies to be discussed at the next CSM General Assembly.

DRC Judicial Code Compendium

The Judicial Code is completed. Format changes to the draft document have reduced its size and number of pages; the final count is 1,296 pages. The document is being printed as of this writing, and will be presented on April 24, 2013, during the CSM General Assembly.

Provide Financial and Technical Support for the CSM 2013 General Assembly

ProJustice is preparing the CSM General Assembly, scheduled for April 20-30, 2013. The project has actively developed the agenda and technical documents for the event, and will provide additional technical and financial support during the sessions themselves.

New Internal Operating Procedures and Organizational Structures for the Constitutional Court Adopted and Implemented

The President of the Republic has not yet signed the law on the organization and functioning of the Constitutional Court. ProJustice cannot implement activities related to the Constitutional Court until this occurs. The project has led formal and informal advocacy efforts for the proclamation of this law since 2010, but it has been unable to achieve significant progress—largely due to a lack of political will of the President and his advisors. In light of this situation, ProJustice proposed alternative activities in its 2013 work plan to be implemented in case the approval of the law on the Constitutional Court does not advance. USAID approved the work plan earlier this year, and is approving the implementation of alternative activities on an ad hoc basis.

1.2. COMPONENT 2: EFFECTIVE AND TRANSPARENT MANAGEMENT OF THE JUDICIARY AND MINISTRY OF JUSTICE

1.2.1. Component 2A: Strengthen the Management Skills of Justice Institution Personnel and Training Institutions

Enhanced Management Skills of the Ministry of Justice and Human Rights (MOJHR) Staff

Meetings with the CSM-PS

On February 6, 2013, the Training Unit of the CSM-PS met with ProJustice to set up training sessions for new judges. They discussed and approved the following calendar:

- The training of new judges in Lubumbashi and Kindu will be held in April 2013.
- The training of new judges in Bandundu will be held in June 2013.

The project is preparing the list of trainers. The number of participants (new judges) is already known: 36 in Lubumbashi, 11 in Kindu, and 24 in Bandundu.

Meetings with the *École de Formation et de Recyclage du Personnel Judiciaire* (School for the Training and Redeployment of Judicial Staff, EFRPJ)

ProJustice is striving to ensure the continuity and sustainability of its work in the DRC after the project ends by working closely with local partner organizations such as the EFRPJ. For more than 20 years, the administrative structure of the EFRPJ did not function properly. Many staff members of the MOJHR have never been trained in the use of modern equipment or technology. The project is working with current EFRPJ staff and training them to take over project activities related to training judicial personnel, including on the use of technology.

This quarter, ProJustice supported the EFRPJ in organizing ongoing training for non-magistrate judicial personnel (clerks and prosecutors' secretaries). Three meetings occurred to plan training sessions in Lubumbashi (January) and in Bandundu (February) and to evaluate training sessions (March). The project discussed the organization of non-magistrate training sessions in Kindu in April 2013 (**see Attachment 2 for a complete listing of the non-magistrate personnel trained by ProJustice during this quarter**).

Support to DRC Eastern Universities

Providing support to universities in eastern DRC, ProJustice donated 200 law books to the Law Faculty of the University of Kindu, Maniema. ProJustice, in collaboration with the Kindu Law Faculty, made the donation at a formal ceremony on Thursday, February 14, 2013, at the site of the university's new campus. Several high-level authorities (political, judicial, and academic) attended, as did Agathe Tshimpanga, the USAID representative, ProJustice's COP Daniel Dobrovoljec, and more than 300 students.

1.2.2. Component 2B: Enhance the Skills and Qualifications of Court Personnel

Standardized Initial and Continuing Training Programs for Court Personnel

ProJustice works to support the mission of state institutions to build the capacity of the Congolese judiciary, through continuing education and other activities. The project helps the CSM and the EFRPJ organize courses for magistrates and clerks and prosecutors' secretaries.

Training of Non-Magistrate Judicial Personnel

In support of the EFRPJ, ProJustice held two training sessions in Bandundu and Lubumbashi for clerks. The Bandundu training took place from February 12-14, 2013, and the Lubumbashi training was held on February 9, 16, and 23, 2013.

Forty-six clerks (27 men, 19 women) were trained: 26 (15 men, 11 women) in Bandundu and 20 (12 men, 8 women) in Lubumbashi. The training focused on the practical management of court clerks' offices. In Bandundu, Marcel Mpiana (Head of Clerks, Bandundu Court of Appeal) and Romain Kinzambi (Divisional Clerk, Bandundu Court of Appeal) conducted the training. Jean-Marie Sampu (Divisional Clerk, Lubumbashi Court) conducted the training in Lubumbashi.

Training of Magistrates

No training sessions took place for magistrates during the reporting period.

1.2.3. Component 2C: Improved Budget and Resource Management by the CSM and MOJHR

Judicial Budgets Adopted Through Transparent Procedures That Increasingly Reflect Real Operational Costs of Justice System Operations

During the first quarter of 2013, ProJustice support of the CSM's work in finance and budget focused on the following:

- Preparing training sessions for magistrate and non-magistrate personnel
- Monitoring of budget execution by the judiciary
- Reviewing new judiciary budget
- Preparing estimates for the fiscal year 2014 budget
- Preparing for the CSM General Assembly

Training Schedule for Strategic and Financial Planning

The CSM-PS and ProJustice developed the program for financial planning workshops in Kinshasa and the pilot sites (Table 1).

Table 1 Scheduled Strategic and Financial Planning Workshops		
Site	Date (2013)	Comments
Kikwit	February 27–28	Participants from Bandundu came to Kikwit
Bukavu/Kindu	March 12–14	Participants from Kindu came to Bukavu
Lubumbashi	April 18–19	Participants from Katanga province
Kinshasa	April 26–27	Participants from the Gombe and Matete Courts of Appeal

Monitoring of Budget Execution by the Judiciary

After several meetings with the Ministry of Budget (MOB), Frederic Kalala, ProJustice's finance and budget expert, managed to have the financial law sent to the judicial authorities in order to prepare the 2014 annual budget. The version published in the official journal at this time lacks detail and cannot serve as a tool for monitoring budget implementation.

Monitoring of Budget Implementation Rate

To maximize opportunities for direct transfer of funds to the courts and offices, the MOB requires the courts and offices to open a bank account dedicated to operating costs. The ProJustice finance and budget expert had telephone conversations with some of the heads of courts and offices in the pilot provinces to encourage them to open an account. To do so, however, would require a circular from the First President of the CSM authorizing them to do so. ProJustice is preparing a draft circular for the President of the CSM.

Review of New Judiciary Budget

The project has worked to revise the new judiciary budget in collaboration with the CSM-PS. When this is prepared, it will be presented to the Ministry of Finance, to allow it to transfer appropriations directly to the CSM and courts throughout the country.

Development of Estimates for the 2014 Judiciary Budget

Using the 2013 judiciary budget and new information from the CSM, ProJustice supported development of the 2014 judiciary budget, which reflects a significant upward adjustment from the 2013 budget. The new information included the need to manage the budget process by the CSM itself starting in fiscal year 2014; finance disciplinary boards by the Congolese state; implement the CSM communications strategies; and finance ongoing training of judicial personnel. After these priorities were integrated, ProJustice submitted the draft 2014 budget to the members of the CSM-PS on March 28, 2013.

Preparation for the General Assembly

The project held three separate meetings with the CSM-PS, at their request, to prepare the budget for the General Assembly, which is scheduled from April 20–30, 2013.

1.3. COMPONENT 3: MORE EFFECTIVE, TRANSPARENT, AND ACCESSIBLE COURT OPERATIONS IN PILOT JURISDICTIONS

1.3.1. Component 3A: Enhanced Effectiveness and Transparency of Court Management Practices

More Streamlined and Transparent Court Management Procedures and Regulations Established and Implemented in Pilot Courts

ProJustice provides support to courts in each of the four pilot provinces (Bandundu, Bukavu, Kindu, and Lubumbashi), as well as at the institutional level, to strengthen their managerial capacity. This support aims at improving the administrative offices of the courts to better organize services and to make these services more functional, competitive, and reliable for the benefit of justice sector officials, litigants, and the general population.

This quarter, the project worked on numerous activities, including the following:

- Improving the case file classification system
- Developing software to manage court records to facilitate tracking and tracing

- Providing computers and printers to courts in Kindu
- Providing expertise in court archiving
- Organizing coordination meetings among court officials, bar associations, and civil society organizations (CSOs) working in the justice sector to discuss issues affecting the functioning of the justice system.

New File Classification System

The classification of court files is critical to the efficient operation of the courts, as the files record the progress of cases through the justice system. It is vital that these records be available, easily accessible, maintained, and secure. More important, the management of criminal cases requires a deliberate and systematic monitoring of files to ensure that cases advance through the court process in the shortest possible time. Excessive delay results in witnesses forgetting details, the absence or refusal of witnesses to appear, lost evidence, and prolonged pretrial detention of accused persons who may eventually be exonerated. Both victims and the public lose faith in the justice system if cases are not managed efficiently.

In the DRC, offices of court registrars and prosecutors' secretaries are understaffed. Personnel are ill-trained, ill-equipped, and work in cramped, poorly lit, and poorly ventilated file rooms. Their registers are inaccurate because of poor maintenance, and file folders and shelves are in short supply or in a poor state of repair. Files are frequently lost, susceptible to theft or tampering, and incomplete. As a result, it is impossible to screen cases and to select those that are urgent or important and require early disposition.

During the reporting period, the project conducted audits of 110 case files in each of the pilot sites (Table 2). In general, court staff have mastered the filing system, with ProJustice staff discovering only minor errors in a small number of case files.

Table 2. Case Files Audited, January–March 2013				
Site	January	February	March	Total
Bandundu	-	30	-	30
Bukavu	20	-	-	20
Kindu	-	-	-	-
Lubumbashi	20	25	15	60
TOTAL	40	55	15	110

Software Development for Management of Court Records

To facilitate the traceability of case records in the court registries, ProJustice finalized the review during the quarter of the JudiciairePro case management software. The program is based on an Access 2007 database and VB.NET (Visual Basic DotNet) programming language. The program will allow for streamlined management of criminal and juvenile cases. ProJustice will monitor and support the use of the program. Depending on the successful use of the software in criminal and juvenile cases, ProJustice may consider extending it to civil case management.

Through the use of JudiciairePro, the courts will be able to provide statistical data relating to criminal and juvenile cases far faster than with the current system. After the original version was developed, the project asked for revisions to the software and for comments from court officials in Bukavu and Lubumbashi. The designers then improved the software.

Following this, ProJustice met with the CSM-PS to present the software on February 8, 2013; twenty-one people attended (19 men, 2 women). In March, the designer presented the latest version of the software, based on Microsoft Access 2010.

Staffing Computers and Printers to Manage Files

After providing computers and printers to the courts in Bukavu and Lubumbashi in the first quarter, ProJustice provided two computers and two printers to courts in Kindu during the quarter, intended for the management of court records.

Expertise in Court Records

In the DRC, although there is officially a National Archives Center based in Kinshasa, the reality is that the department is barely functional for several reasons. It lacks operational funds, and the few records that are kept are stored in premises and under conditions that are inadequate. The judicial archives are in a similar dilapidated condition.

On February 19, 2013, the project held a workshop to approve the revised national Judicial Archiving Charter. Nineteen people (17 men, 2 women) participated and approved the draft charter. The project still needs to finalize the annex specifying the records retention schedule.

Pilot Site Program Implementation Committees

ProJustice's approach to improving administration of the judiciary in the four pilot court jurisdictions is through community development and partnership. The various levels of courts and prosecutors' offices tend to function independently of one another in the pilot jurisdictions. For the pilot courts to succeed in their goals, the stakeholders must collaborate. Autocratic values, a hierarchical system, and lack of resources to support attendance at regular meetings lead to poor communication, disparate priority setting, lack of collaboration, and the absence of shared goals. Lawyers and CSOs working in the justice sector are commonly excluded from judicial operations and thus have little input into the management of the system. Another issue is that most heads of jurisdiction (e.g., prosecutors general) lack the managerial skills to run democratic meetings.

To address these shortcomings, the project initiated regular planning meetings with all stakeholders. Pilot court coordinators (PCCs) facilitate meetings by setting agendas; booking meeting facilities; scheduling meetings; providing financial support for attendance; managing the meetings; and ensuring that minutes are taken, distributed, approved, and followed up on. ProJustice supported Program Implementation Committee meetings in each of the pilot sites during the quarter; fifty-seven (54 men, 3 women) attended (Table 3).

Table 3. Program Implementation Committee Meetings and Participants January–February 2013				
Site	Date	Beneficiaries	Men	Women
Bandundu	February 18	Judicial personnel (magistrates, clerks, prosecutors' secretaries), bar associations, non-governmental organization (NGO) representatives	14	1
Bukavu	January 25		17	2
Kindu	January 18		10	0
Lubumbashi	January 19		13	0
TOTAL			54	3

In addition to the Program Implementation Committees, ProJustice supported meetings of NGO networks within the justice sector in all pilot sites (Table 4). The meetings facilitate greater coordination between organizations working on justice-related issues, thus avoiding unnecessary duplication of activities.

Table 4. NGO Meetings and Participants, January–February 2013				
Site	Date	Beneficiaries	Men	Women
Lubumbashi	January 24	Justice sector NGOs	7	4
Bandundu	February 19		4	1
TOTAL			11	5

Reduction in Average Time from Case Filing to Disposition for Minor Cases without a Corresponding Time Increase for Major Cases

Inspection of Detention Centers

Under Congolese law, detention centers are under the authority of the prosecuting magistrates of the TGI. The Judicial Police, the Maritime Police, prosecutors' offices, and provincial prisons operate the detention centers, which typically contain 5–30 individuals. A province normally has several detention centers, most near the provincial courthouses. Local police provide security, at times supported by trusted detainees.

Any police authority has the power to place a person in detention. Such authorities have little legal training and often exercise authority on a whim, without cause. Once arrested, a detainee is subject to rules that neither he/she, nor the arresting personnel, understand fully.

Prosecutors are legally bound to inspect detention centers regularly to ensure due process and respect for both the basic human and legal rights of detainees. The required inspections occur infrequently, however, primarily because the inspecting magistrates and their administrative assistants lack transportation. If detention centers are not inspected, detainees may languish in deplorable conditions (without food, sanitary facilities, privacy, or medical care) for months while being held illegally or unnecessarily. During the time the detainees are in detention, victims of crime do not receive justice and witnesses to the events may disappear altogether. Detainees who are guilty of their charges may be illegally released following the payment of a bribe.

To remedy these situations, ProJustice PCCs provide funds for transportation and meals for the inspection teams. PCCs also provide administrative assistance by including recommendations for improving the collection of relevant information during these inspections.

During this quarter, inspectors carried out 97 inspections in 68 detention centers in the 4 pilot sites. In total, the inspections covered 593 people (503 men, 39 women, 49 boys, 1 girl, 1 elderly person), reflecting 626 offenses. Table 5 shows a detailed quarterly statement of the inspections held at the pilot sites, including the numbers and types of detainees, the number of cases reviewed, and the results of those reviews. (NB: The number of cases in Table 5 may not necessarily match the offenses in Table 6, as some detainees were held for multiple violations.)

Table 5. Demographics and Dispositions of Detention Center Inspections, January–March 2013													
Category		Number of Cases											
		Bandundu			Bukavu			Lubumbashi			Kindu		
		J	F	M	J	F	M	J	F	M	J	F	M
Cases reviewed	Men	32	32	40	49	42	33	44	59	46	33	40	53
	Women	2	5	4	5	4	2	7	3	2	0	4	0
	Girls	0	0	0	1	0	0	0	0	0	1	0	0

Table 5. Demographics and Dispositions of Detention Center Inspections, January–March 2013

Category		Number of Cases											
		Bandundu			Bukavu			Lubumbashi			Kindu		
J = January F = February M = March		J	F	M	J	F	M	J	F	M	J	F	M
	Boys	0	2	2	5	10	11	10	2	2	0	5	0
	Elderly	0	0	1	0	0	0	0	0	0	0	0	0
	TOTAL	34	39	47	60	56	46	61	64	50	34	49	53
Cases transferred to prosecutor's office	Men	10	9	10	29	24	11	21	23	36	11	34	19
	Women	0	1	1	0	2	0	1	0	2	0	4	0
	Girls	0	0	0	0	0	0	0	0		0	0	0
	Boys	0	2	0	0	0	4	7	2	1	0	5	0
	Elderly	0	0	1	0	0	0	0	0	0	0	0	0
	TOTAL	10	12	12	29	26	15	29	25	39	11	43	19
Cases with detention confirmed	Men	10	6	8	19	13	19	11	11	7	21	4	10
	Women	0	0	0	1	1	2	4	0	0	0	0	0
	Girls	0	0	0	0	0	0	0	0	0	0	0	0
	Boys	0	0	0	0	1	5	0	0	0	0	0	0
	Elderly	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	10	6	8	20	15	26	15	11	7	21	4	10
Cases with detainee released unconditionally	Men	1	3	8	5	6	3	12	25	3	2	2	14
	Women	0	2	2	1	0	0	2	3	0	0	0	0
	Girls	0	0	0	1	0	0	0	0	0	0	0	0
	Boys	0	1	2	4	9	2	3	0	1	0	0	0
	Elderly	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	1	6	12	11	15	5	17	28	4	2	2	14
Cases of sexual violence (N.B.: Not disaggregated)	Men	4	3	8	0	5	1	0	1	2	2	5	2
	Women	0	0	2	1	0	0	0	0	0	0	0	0
	Girls	0	0	0	1	0	0	0	0	0	0	0	0
	Boys	0	1	2	0	0	1	0	0	0	0	0	0
	Elderly	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	4	4	12	2	5	2	0	1	2	2	5	2
Cases with detainee held under provisional warrant	Men	11	13	14	0	0	0	0	0	0	0	0	10
	Women	2	2	1	0	0	0	0	0	0	0	0	0
	Girls	0	0	0	0	0	0	0	0	0	0	0	0
	Boys	0	0	0	0	0		0	0	0	0	0	0

Table 5. Demographics and Dispositions of Detention Center Inspections, January–March 2013

Category		Number of Cases											
		Bandundu			Bukavu			Lubumbashi			Kindu		
		J	F	M	J	F	M	J	F	M	J	F	M
J = January F = February M = March													
	Elderly	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	13	15	15	0	0	0	0	0	0	0	0	10

Table 6. Number of Cases of Various Types, January–March 2013

Charges	Bandundu			Bukavu			Kindu			Lubumbashi			Total
J = January F = February M = March	J	F	M	J	F	M	J	F	M	J	F	M	
Abortion	-	1	1	-	1	1	-	-	1	-	-	-	5
Animal abandonment	-	-	2	-	-	-	-	-	-	-	-	-	2
Armed robbery	-	-	-	-	-	-	-	5	-	-	-	-	5
Associating with criminals	-	-	4	1	1	2	1	-	2	4	-	-	15
Attempted battery	-	-	1	-	-	-	-	-	-	-	-	-	1
Attempted murder	-	-	-	-	1	-	-	-	-	-	-	-	1
Attempted rape	-	-	-	-	-	-	-	-	-	-	-	1	1
Attempted theft	-	6	6	-	-	-	-	-	-	-	1	-	13
Breach of trust	5	3	4	19	11	4	7	11	15	8	16	14	117
Child/family abandonment	-	-	-	-	-	4	-	-	-	-	-	1	5
Concealment/handling of stolen goods	1	1	2	3	-	-	-	-	-	-	-	4	11
Counterfeiting	-	-	-	-	-	-	-	-	-	-	-	1	1
Death threats	-	-	-	-	2	-	-	-	5	-	-	2	9
Destruction of property	-	3	3	-	3	3	-	-	2	2	2	-	18
Driving under the influence	-	-	-	-	1	-	-	-	-	-	3	-	4
Embezzlement, misappropriation of funds, bribery	-	-	1	-	-	-	-	-	-	-	-	-	1
Excessive speeding, hit and run	-	-	-	1	-	-	-	-	-	-	-	-	1
Extortion with theft	-	5	5	7	-	3	4	4	6	5	-	13	52
Forgery	1	-	1	-	-	-	-	-	2	-	-	-	4
Grievous assault	3	1	-	2	-	1	2	2	-	-	-	-	11
Illegal occupation of land	-	2	1	1	2	-	-	-	-	-	-	1	7
Involuntary manslaughter	-	5	-	-	-	-	-	-	-	5	-	-	10
Minor assault	8	-	3	2	4	1	-	-	3	7	14	5	47
Moving property boundaries	-	1	-	1	-	-	-	-	-	-	-	-	2
Poisoning	-	2	-	-	-	-	-	-	-	-	-	-	2
Public drunkenness/underage drinking	-	-	-	4	1	6	-	-	-	-	-	-	11
Public indecency	-	-	-	1	-	-	-	-	5	-	-	-	6
Public sanitation risk	-	-	-	-	1	-	-	-	-	1	-	-	2
Rape	3	4	4	2	5	2	2	5	2	-	5	2	36
Rape (aggravated)	1	-	-	-	-	-	-	-	-	-	-	-	1
Rebellion	1	-	2	-	1	-	-	-	-	-	1	-	5
Robbery	4	-	1	5	4	8	-	-	-	-	4	1	27
Sexual harassment	3	-	-	-	-	-	-	-	-	-	-	-	3
Slander	1	4	3	-	-	-	2	5	4	12	-	1	32
Smoking cannabis	-	-	2	1	-	-	-	-	-	-	-	-	3
Theft	2	-	-	13	12	5	2	10	-	12	17	-	73

Table 6. Number of Cases of Various Types, January–March 2013													
Charges	Bandundu			Bukavu			Kindu			Lubumbashi			Total
J = January F = February M = March	J	F	M	J	F	M	J	F	M	J	F	M	
Threat of treason	1	-	-	2	-	-	-	-	-	-	-	-	3
Unlawful confinement/kidnapping	1	-	1	-	1	1	-	-	-	-	-	1	5
Vagrancy	-	-	-	-	2	-	-	-	-	-	-	-	2
Verbal threat	-	2	3	-	2	-	-	-	-	4	3	1	15
Violating state security	-	-	-	-	-	-	9	10	7	-	-	-	26
Violation of the Maritime Code	1	-	-	-	-	-	-	-	-	-	-	-	1
Civil cases—transferred to civil court	-	2	1	2	3	9	6	2	1	-	2	2	30
TOTAL	36	42	51	67	58	50	35	54	55	60	68	50	626

Supporting Process Servers

Parties to court proceedings (accused persons, victims, and witnesses) must be served notice of trial if they are legally required to appear. In the DRC today, criminal trials frequently do not proceed because the parties are not served notice. The MOJHR does not give money to process servers working for court registrars to pay for process service or transportation. Given the size of the provinces and poor road conditions, the territory to be covered by a process server may be vast and travel may be difficult. Without transportation and reasonable compensation, process servers, understandably, do not serve the required documents.

To alleviate this problem, the ProJustice PCCs have begun screening court files to identify cases delayed because documents have not been served. If it appears likely that the cases will be moved to judgment as a result of the documents being served, the PCCs provide funds to process servers to do their work. During this quarter, ProJustice provided support for 114 cases (Table 7).

Table 7. Cases Supported in Each Pilot Jurisdiction, January – March 2013	
Site	Number of Cases
Bandundu	35
Bukavu	18
Kindu	41
Lubumbashi	20
TOTAL	114

1.3.2. Component 3B: Enhanced Accessibility of Pilot Courts

Reduction in Average Cost to Citizens of Minor Cases in Pilot Jurisdictions

Information Kiosks

Most Congolese are extremely poor, with few resources to pay for legal assistance. Most people involved in legal cases do not know how to stay informed about the status of their cases. Judicial personnel often exploit this lack of knowledge to extort money from victims, often charging much more than actual mandated fees. The high cost of bribes and payoffs makes victims reluctant to pursue cases through the court system. To address the problem, ProJustice has constructed information kiosks that offer information about necessary steps in the legal process,

as well as the actual costs for judicial services. By doing so, information is more readily available to all Congolese, thus reducing the potential for corruption and extortion.

Since January 2012, the information kiosk in Lubumbashi has been providing information to citizens and guiding them through the legal process, thus improving access to justice.

In Kindu, kiosk operations have been problematic: court authorities are not interested in providing the necessary staffing. Court staff prefer to serve judgments and do other tasks that allow for opportunities to collect direct payments for services, which the work at the kiosk does not provide. The project is currently working with local NGOs in Kindu to set up a volunteer network to staff the kiosk similar to the one in Lubumbashi, which has been more successful. During the quarter, 506 people visited the Lubumbashi kiosk (Table 8).

Table 8. Beneficiaries of Information Kiosks, January – March 2013				
Site	Beneficiaries			
	Men	Women	Boys	Girls
Lubumbashi	283	221	1	1
Total	283	221	1	1

Increased Number of Cases Involving Vulnerable Populations Resolved Through the Justice System in Targeted Jurisdictions, Including Outside the Provincial Capitals

Mobile Court Sessions

The pilot courts supported by ProJustice have jurisdiction over vast territories of the DRC, with the main courthouses located in the provincial capitals and smaller satellite locations hosting Peace Courts in remote locations. Roads to rural areas are often impassable or nonexistent, requiring travel by air, all-terrain vehicle, and/or river. It is difficult for court personnel, parties, and witnesses to get from rural locations to provincial courthouses. The mobile court sessions supported by ProJustice are therefore critical for providing access to justice and moving backlogged cases to judgment and closure.

ProJustice provides financial and technical support for court hearings in the central prisons of each of the provincial capitals (Bandundu, Bukavu, Kindu, and Lubumbashi). Holding hearings in these facilities reduces overall costs, as well as the risk of security incidents among detainees. During this quarter, the project helped process 330 cases at the central prisons and close 51 cases in the four pilot sites (Table 9).

Table 9. Cases Heard at Mobile Court Hearings, January–March 2013								
Site	Court of Appeals		Court of First Instance		Peace Court		Juvenile Court	
	Cases Processed	Cases Closed	Cases Processed	Cases Closed	Cases Processed	Cases Closed	Cases Processed	Cases Closed
Bandundu	-	-	55	20	-	-	-	-
Bukavu	-	-	55	5	-	-	59	-
Kindu	-	-	72	16	-	-	59	4
Lubumbashi	-	-	25	6	-	-	5	-
TOTAL	-	-	207	47	-	-	123	4

1.4. COMPONENT 4: INCREASED ACCESS TO JUSTICE FOR VULNERABLE POPULATIONS

1.4.1. Component 4A: Civil Society Capacity-Building Assistance for Increased Access to Justice

Civil Society Capacity for Legal Aid and Awareness-Raising Strengthened Technical assistance to CSOs

CSOs that advocate for human rights and judicial reform play an important role in providing legal advice and assistance to vulnerable populations. ProJustice provides CSOs in the DRC with small grants and technical assistance to improve their capacity to meet the challenges they face in carrying out their work on the ground.

Guide to Operation of Legal Aid Clinics

- During his visit to Bukavu, on March 16, 2013 the ProJustice COP officially presented the “Guide to Organization and Operation of a Legal Clinic,” and formally delivered copies to the judicial authorities and other international partners based in South Kivu.
- The project presented 100 copies of the guide to CSOs in South Kivu on March 21, 2013.
- ProJustice distributed 150 copies of the guide to CSOs in Maniema Province in Kindu on March 27, 2013.

Access to Justice Brochure

- The project provided sample copies of the brochure on access to justice to its Kinshasa office security guards and cleaners to determine whether the document is easy to understand for the targeted audience. Project technical staff plan to speak with these support staff members as a sample of the target audience, and will integrate their comments into the final document. Additionally, ProJustice plans to proceed to submit the draft brochure on access to justice to a legal expert for final editing.

Open House Days at Pilot Courts

ProJustice organized two open house days in the Kindu courthouse on January 15 and 18, 2013, under the supervision of Pilot Court Program Coordinator Esaie Kabwit. These events featured a number of activities:

- A press conference for print and broadcast media held by the First President of the court to explain the benefits of open house sessions
- Guided tours of the courthouse and offices
- Public education sessions by two members of the organizing committee
- Presentations on the organization and functioning of the courts, and on the organization and functioning of the prosecutor’s office
- Open sessions for public questions and concerns.

The project organized two days of public awareness events and one open house day in Bandundu from February 14–16, 2013. Components 2 and 3 Coordinator, Fabien Buetusiwa, and Component 4 Coordinator, Lyliane Ankwarpen, supervised the events.

The following activities were carried out:

- Media awareness through the use of press releases in local papers and radios
- Press conference and participation in three radio programs by the first president, the general prosecutor, the principal clerk, the divisional clerk, and a lawyer, to explain to the public the merits of the open house
- Guided tour of the prosecutor's office and the Court of Appeal
- Welcome and orientation program for the public conducted by two members of the organization committee as laid out in the program
- Two presentations on the organization and functioning of the courts and of prosecutors' offices
- Mock trial
- Question-and-answer session
- Collection of concerns of both the public and litigants.

ProJustice organized a capacity-building workshop in Bukavu to train local CSOs on project cycle management and networking from March 16–21, 2013. Twenty representatives (13 men, 7 women) of CSOs in South Kivu attended (**see Attachment 3 for a report on the training session**).

Support for Université Catholique de Bukavu (Bukavu Catholic University, UCB)

- On February 23, 2013, ProJustice helped the UCB organize a workshop, which Murhula Sanjay Paterne moderated. The topic was decentralization and its impact on development, with a focus on the town of Kadutu. Fifty-four people (44 men, 10 women) participated.
- The UCB legal clinic assisted three individuals in February 2013.
- The UCB submitted two papers (one on the lease contract in Congolese law, the other an employment contract), for approval to the ProJustice grants team. The proposed themes, however, did not meet ProJustice objectives.

Sexual and Gender-Based Violence (SGBV) Pictorial Flip Chart

Under the COP's supervision, the project met with the MGFC on January 24, 2013, to discuss the final version of the preface of the pictorial flip chart and the official presentation of the document. During the meeting, ProJustice presented the minister with a revised version of the preface based on USAID's recommendations. The minister reviewed and approved the revised version, and the document is expected to be finalized in the next quarter.

ProJustice took advantage of the meeting to discuss ongoing issues around the promotion of female magistrates, which the project believes merits the special attention of the minister. As noted earlier in the discussion above under Component 1, a representative of the MGFC spoke at the seminar in Kinshasa on increasing the participation of women in the magistracy and stressed the minister's interest in the training of female magistrates.

1.4.2. Component 4B: Sub-Grants to CSOs

Increased Number of Cases of Vulnerable Populations Resolved through the Justice System

A rigorous set of monitoring and evaluation standards is an essential part of ProJustice's strategy when working with subgrantees. Regional staff and Kinshasa-based personnel conduct monitoring at the field level to prevent errors, fraud, and other problems, and to ensure that any problems that do occur are handled swiftly. The ProJustice grants team conducts scheduled and unscheduled monitoring visits of grantees. The visits allow ProJustice to review the progress of

activities of each grantee, verify project documents, discuss potential issues directly with grantee staff, and strengthen their capacity where needed.

The project continued to review financial and narrative reports from grantees that are waiting for reimbursements. The project continued to categorize grantee files with the support of an intern, whose tasks included entering data from the physical file into a database and coding and organizing the paperwork.

On January 28, 2013, ProJustice met with Professor Mabiala, the contact person of the *Institut pour la Démocratie et le Leadership Politique* (Institute for Democracy and Political Leadership, IDLP) on progress of activities and on the letter of suspension of the grant. In early January 2013 ProJustice had submitted a letter of suspension for important delays in implementing project activities. The project met again two days later with IDLP representatives to clarify the grant status. Following discussions, ProJustice and IDLP mutually agreed to terminate the grant effective immediately as of that date; up to that point \$3,000 had been disbursed. IDLP submitted the remaining supporting documents and financial reports, which ProJustice is analyzing before releasing the official letter of termination.

The grants team conducted two monitoring missions, in Bukavu and Bandundu City, to evaluate the activities of the grantees as they reached the end of their projects. From February 12- 22, 2013, ProJustice Grants Assistant Prince Kumwamba went to Bukavu to assess activities of NGOs Community Action for Education of All (*Œuvre Communautaire Pour L'Éducation Pour Tous*, OCET), Social Vision (*Vision Sociale*, VISO), and Monsignor Emmanuel Kataliko Foundation (*Fondation Monseigneur Emmanuel Kataliko*, FOMEKA), and to follow up on activities still being implemented by the UCB.

From February 16-20, 2013, Lyliane Ankwarpen, ProJustice Component 4 Coordinator, traveled to Bandundu City to evaluate the activities of the NGOs Center for Social and Community Advancement (*Centre pour la Promotion Sociale et Communautaire*, CEPROSOC) and Promotion of Health, Women's, and Children's Rights (*Promotion de la Santé, des Droits de la Femme et de L'Enfant*, PROSADEF).

Monitoring and Evaluation of Grants Program

Grantee Legal Assistance to Vulnerable Populations

South Kivu Province

- VISO, Grant Period: January 1–December 31, 2012. VISO completed its activities in December 2012, and the project closed on February 20, 2013.
- OCET, Grant Period: January 1–December 31, 2012. OCET completed its activities in December 2012, and the project closed on February 13, 2013.
- FOMEKA, Grant Period: January 1–September 30, 2012. The project activities were completed as scheduled but, owing to security concerns, ProJustice staff were unable to travel to Uvira. With the situation becoming relatively stable in recent weeks, a FOMEKA representative was able to travel to Bukavu to meet with ProJustice staff, and the project closed on February 21, 2013.

Maniema Province

- *Haki za Binadamu* (Space for Human Rights, HBM), Grant Period: February 2–November 30, 2012, extended to January 15, 2013. The HBM legal clinic continued to

provide legal assistance and to monitor three juvenile cases this quarter involving two boys and one girl. The project closed on March 27, 2013.

- *Collectif des Femmes Musulmanes pour le Développement de Maniema* (Action Group of Muslim Women for the Development of Maniema, CFMUDEMA),
Grant Period: February 2–November 30, 2012. The project closed on November 30, 2012.

Katanga Province

- *Commission Diocésaine Justice et Paix* (Diocesan Justice and Peace Commission),
Grant Period: March 1–December 31, 2012. Activities were completed within the grant implementation period, and the project closed in early March.
- Lubumbashi Bar Association, Grant Period March 1–December 31, 2012, extended to March 15, 2013. The Bar assisted 35 people during the reporting period (33 men, 2 women) and completed operations on March 15, 2013. The grants team is planning a monitoring mission to formalize project closure and submit certificates of completion of the grantee in the next quarter.

Bandundu Province

- PROSADEF, Grant Period: April 15–December 15, 2012. Activities were completed within the grant implementation period, but ProJustice representatives were unable to travel to Bandundu to officially close the project at the end of the grant. Project staff visited Bandundu from February 16–20, 2013, and officially closed the grant on February 18, 2013.
- CEPROSOC, Grant Period: April 15–December 15, 2012. Activities were completed within the grant implementation period, but ProJustice representatives were unable to travel to Bandundu to officially close the project at the end of the grant. Project staff visited Bandundu from February 16–20, and officially closed the grant on February 18, 2013.

Greater Public Awareness of Legal Rights and the Role of the Justice System

Note that for the grantees listed below, all program implementation activities ended as scheduled (or were extended with grant modifications). ProJustice staff visited the grantees and closed the projects in February and March 2013.

South Kivu Province

- FOMEKA, Grant Period: January 1–September 30, 2012. The project closed on February 21, 2013.
- VISO, Grant Period: January 1–December 31, 2012. The project closed on February 20, 2013.
- OCET, Grant Period: January 1–December 31, 2012. OCET completed its activities in December 2012. The project closed on February 13, 2013.

Maniema Province

- HBM, Grant Period: February 2–November 30, 2012, extended to January 15, 2013:
 - HBM held a meeting on January 9, 2013 to analyze and evaluate the recommendations on improving access to justice activities made in previous meetings.
 - A meeting of the *Cadre de Concertation* (Coordination Task Force) took place on February 21, 2013, to exchange information; enhance collaboration; identify major problems, possible solutions, strategies, and stakeholders; and sign a petition addressed to policymakers for the correct application of the law on the protection of children in the province of Maniema. Twenty people (13 men, 7 women) took part in the coordination meeting, including state and non-state actors involved in the promotion of children's rights. These included the Divisions of: Social Affairs; Human Rights; Gender, Family,

Wife, and Youth; Primary and Secondary Education; and Justice; local NGOs for the promotion and protection of the rights of the child; the Tribunal and High Court Prosecutor; International NGOs active in the promotion of children's rights—Cooperation International (*Cooperazione Italiana*); the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, and the children's Parliament.

- Production of four radio programs on HBM radio on the basic requirements of a juvenile justice system. The potential audience is estimated at about 800,000 inhabitants/listeners. The project closed on March 27, 2013.
- CFMUDEMA, Grant Period: February 2–November 30, 2012. The project closed in December 2012.

Bandundu Province

- CEPROSOC, Grant Period: April 15–December 15, 2012, extended to February 15, 2013. CEPROSOC received 19 people at the organization's legal clinic (14 men, 5 women). The project closed in February 2013.
- PROSADEF, Grant Period: April 15–December 15, 2012. Activities were completed within the grant implementation period. ProJustice representatives visited Bandundu from February 16–20, 2013, and officially closed the grant on February 18, 2013.

Kinshasa Province

- Congolese Women's Rights League (*Ligue pour le Droit de la Femme Congolaise*, LDFC), Grant Period: April 15–December 15, 2012, extended to March 15, 2013.
 - From January 30–February 7, 2013, LDFC assessed advocacy actions they had implemented with the CSM, the MGFC, and the MOJHR. Fifty people participated (15 men, 35 women). There has also been a marked improvement in the judiciary as follows:
 - Several women have been recruited and appointed to Peace Courts throughout the DRC.
 - Thirty percent of female magistrates refuse to travel to the provinces, thus resulting in a significant presence of women magistrates in the Peace Courts of large cities, such as Kinshasa and Lubumbashi.
 - The MGFC, in collaboration with LDFC and other NGOs active in human rights, is planning activities to raise the awareness among fifth- and sixth-grade humanities students regarding the possibility of studying human rights in the future.
 - LDFC organized a forum on the promotion of woman magistrates on February 14, 2013. Panelists at the forum included Nduba Kilima, of the CSM-PS, and two MGFC representatives (Annie Kenda and Esther Kamwanya). Thirty-five people participated in the forum (19 men, 16 women). The goal was to promote women in the magistracy and to encourage women magistrates to work in the provinces.
 - A TV program on channel BRT/AFRICA was produced to raise women judges' awareness, encourage them to accept appointments in the provinces, and talk about the promotion of women magistrates at the higher levels of the justice system.
 - The project ended activities in mid-February. Tt DPK's San Francisco staff have reviewed the final financial report and submitted it.
- IDLP, Grant Period: April 15–December 15, 2012. The IDLP submitted the remaining supporting documents and financial reports, which ProJustice is analyzing before releasing the official letter of termination.

1.5. WINDOWS OF OPPORTUNITY

In February 2013, ProJustice received USAID's approval for an RFA submitted earlier in the quarter to spend a total of \$33,130 out of the remaining budget of \$40,928 funds under Windows of Opportunity. The activities planned under this RFA are as follows:

- Print 4,000 copies of the Code of Ethics (\$8,000).
- Train approximately 400 newly appointed Justices of Peace in the provinces of Bandundu, Katanga, and Maniema (\$10,500).
- Renovate the prosecutor's office of the TGI, on condition that the judicial authorities finance the renovation of the roof of the building prior to ProJustice's launching the renovation (\$5,000).
- Provide equipment and furniture for the Bandundu Provincial Disciplinary Board (\$3,130).
- Renovate the Lubumbashi courthouse (\$6,500).

The balance under the Windows of Opportunity, once these activities are implemented, will be \$7,798.

2. STAFFING/MANAGEMENT UPDATES

In March 2013, the ProJustice Monitoring & Evaluation (M&E) Coordinator left the project. ProJustice hired a temporary short-term expert to replace him, and began a recruitment campaign. The recruitment process ended on March 26, 2013, when the project hired its former M&E Coordinator.

3. QUARTER 18—PROBLEMS AND REMEDIAL ACTIONS

Problem Encountered	Corrective Action Proposed/Taken
The law creating the constitutional court has not been promulgated by the President even though it was sent to him in May 2011. As such, project activities relating to the passage of the law continue to be stalled.	Except for some advocacy activities, no other action is possible, as action is entirely dependent on the DRC Government. The project included plans for alternative activities in its work plan, in case the approval of this law does not advance. USAID is approving the implementation of these alternate activities on an ad hoc basis.
The security situation remains volatile in North and South Kivu, particularly with recent tensions related to the growth of the M23 rebellion and spillover effects.	Staff security is always paramount in these situations. ProJustice attempts to determine security conditions prior to staff travel, and is prepared to postpone or cancel activities if necessary.